IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.6430 OF 2005

IN

FIRST APPEAL NO.62 OF 2006

Raju Krishnarao Shingote & Ors. ...Applicants

Vs.

The Sangli Bank Ltd. ...Respondent

Mr. Amogh Paralikar with Ms Mandira Moitra for the Appellants
Mr.R.S.Kavale for the Respondent.

CORAM: A.S.OKA, J.
DATED: MARCH 24,2006.

P.C.:

1. Rule. Advocate for Respondent waives service. Taken up for hearing forthwith.

2. The impugned Judgment and Decree is a money decree passed in favour of the Respondent-Bank. The Appellants are the borrowers. The submission of the learned Counsel for the Appellants is that the interest at the rate of 23.25% p.a. with quarterly rests is exorbitant and contrary to law. He submitted that even according to the agreement, agreed rate of interest was 18% p.a. The learned Counsel for the Respondent submitted that the rate of interest was awarded by the Court in terms of agreement.

3. It is well settled that normally money decree cannot be stayed unless entire amount due and payable under the money decree is deposited. Considering the fact that the interest at the rate of 23.25% p.a. with quarterly rest is directed to be paid under the impugned decree, Civil Application is disposed of by passing the following order :

i) There will be interim relief in terms of prayer clause (a) subject to condition of the Applicant depositing the entire decretal amount due and payable by calculating interest at the rate of 18% p.a. with quarterly rest with the Trial Court within a period of twelve weeks from today. If the amount is not deposited, interim stay will stand vacated without reference to the Court.

ii) In the event, the amount is deposited by the Applicant, the Trial Court will permit the Respondent-Bank to withdraw the said amount subject to filing an undertaking to repay the said amount with appropriate rate of interest in case the Applicant succeeds in the Appeal.

iii) Civil Application is disposed of in above terms. No order as to costs.

Judge.

Judge.